



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1213/P1
SWB:kjf

DOA:.....Sherwin, BB0421 - Just cause review

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Local government civil service system and grievance procedure requirements

This bill modifies the requirements for any grievance system established by local governmental units, including adding a requirement for any civil service system or grievance procedure to include a just cause standard of review for employee terminations. Under current law, a local governmental unit that did not have a civil service system before June 29, 2011, must have established a grievance system. In order to comply with the requirement to have established a grievance system, a local governmental unit may establish either 1) a civil service system under any provision authorized by law, to the greatest extent practicable, if no specific provision for creation of a civil service system applies to the governmental unit; or 2) a grievance procedure as set forth in the statutes. Current law requires that any civil service system established or grievance procedure created must contain a grievance procedure that addresses employee terminations, employee discipline, and workplace safety. The bill does not eliminate the requirement for these provisions, but instead adds a requirement for a provision relating to a just cause standard of review for employee terminations, including a refusal to renew a teaching contract.

Current law also requires that if a local governmental unit creates a grievance procedure, the procedure must contain certain elements, including a written

document specifying the process that a grievant and an employer must follow; a hearing before an impartial hearing officer; and an appeal process in which the highest level of appeal is the governing body of the local governmental unit. The bill provides that the hearing officer must be from the Wisconsin Employment Relations Commission, and adds two additional required elements in the grievance procedure: 1) a provision indicating the grievant is entitled to representation throughout the grievance process; and 2) a provision indicating that the employer must bear all fees and costs related to the grievance process, except the grievant's representational fees and costs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0509 (1m) (c) 1. of the statutes is amended to read:

66.0509 **(1m)** (c) 1. A grievance procedure that addresses employee terminations, employee discipline, and workplace safety.

SECTION 2. 66.0509 (1m) (c) 2. of the statutes is repealed and recreated to read:

66.0509 **(1m)** (c) 2. A just cause standard of review for employee terminations, including a refusal to renew a teaching contract under s. 118.22.

SECTION 3. 66.0509 (1m) (c) 3. of the statutes is repealed.

SECTION 4. 66.0509 (1m) (d) 2. of the statutes is amended to read:

66.0509 **(1m)** (d) 2. A hearing before an impartial hearing officer from the employment relations commission.

SECTION 5. 66.0509 (1m) (d) 4. and 5. of the statutes are created to read:

66.0509 **(1m)** (d) 4. A provision indicating that the grievant shall be entitled to representation throughout the grievance process.

5. A provision indicating that the employer shall bear all fees and costs associated with the grievance process, except for the grievant's representational fees and costs.

(END)